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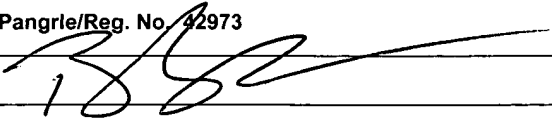
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OVERSIGHT MAR 14 2005 PATENT & TRADEMARK OFFICE TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/441,729
	Filing Date	11/16/1999
	First Named Inventor	Eric D. Bloch
	Group Art Unit	2611
	Examiner Name	MATTHEW R DEMICCO
Total Number of Pages in This Submission	Attorney Docket Number	MS1-1073US

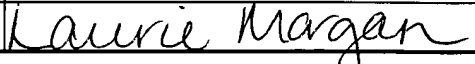
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Remarks <div style="text-align: center;">22801</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Brian J. Pangrle/Reg. No. 42973
Signature	
Date	March 14, 2005

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EV549911200

O I P E J C I
MAR 14 2005

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

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FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	09/441,729
Filing Date	11/16/1999
First Named Inventor	Eric D. Bloch
Examiner Name	MATTHEW R DEMICCO
Art Unit	2611
Attorney Docket No.	MS1 1073US

METHOD OF PAYMENT (check all that apply)
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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____	x	50	= _____	_____		
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ - 3 or HP = _____	x	200	= _____			
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number)	x _____	= _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

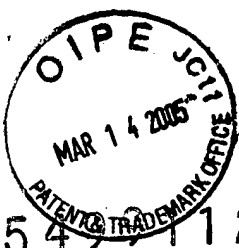
Other: _____

SUBMITTED BY

Signature	Registration No. 42973	Telephone (509) 324-9256
Name (Print/Type) Brian J. Pangre	(Attorney/Agent)	Date 3/14/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/441,729
Filing Date November 16, 1999
Inventorship Bloch
5 Assignee Microsoft
Group Art Unit..... 2611
Examiner M. Demicco
Attorney's Docket No. MS1-1073US
10 Title: Seamless playback of multiple clips of media data across a data
network

APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND
INTERFERENCES OF THE UNITED STATES PATENT OFFICE

To: Commissioner for Patents
PO Box 1450
15 Alexandria, VA 22313-1450

From: Brian J. Pangrle
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
20 Spokane, WA 99201

Appellant's Reply Brief on Appeal

This reply brief is presented in support of the Notice of Appeal filed on
July 7, 2004 from the final rejection of claims 1-19 of the above identified
application. The Final Office Action which Appellant hereby appeals was
25 mailed April 7, 2004.

Appellant's opening brief was filed on September 10, 2004. The
Examiner's Answer was mailed on January 13, 2005. This reply brief
addresses arguments presented in the Examiner's Answer. Appellant
respectfully requests reversal of the Office's rejection of pending claims 1-19.

Reply Argument

Appellant reiterates that, in combination, the Langford reference and the DuLac reference do not teach or suggest the claimed methods of rendering or the claimed systems. Appellant also reiterates that there is
5 insufficient objective evidence of record to support a prima facie case of obviousness with respect to motivation to combine these two references. Yet further, Appellant maintains that even if one did combine the references, there is no expectation of success in arriving at the subject matter as claimed.

Appellant rebuts the opening, the “first argument” and the “second
10 argument” of the Examiner’s Answer by pointing to lack of evidence and errors in the interpretation of evidence in the Langford reference. Appellant then rebuts the third through the eighth arguments based the same grounds.

In response to Appellant’s opening brief arguments, the Office states that
15 “the remote device of DuLac reference is the magnetic disk storage of Langford and the workstation of DuLac is the edit controller of Langford”. Examiner’s Answer at page 5. For support, the Office cites the Langford reference at col. 16, lines 24-29 (the second to last paragraph of the Langford reference), which states:

It is contemplated that the system of the invention may nclude [sic]
20 random access memory units other than laser video disk players for storing the video and audio signals which comprise the unedited takes. For example, the takes may be digitized and stored in magnetic disk drives.

Langford reference at col. 16, lines 24-29.

25

Applicant disagrees with the Office’s interpretation of this evidence and submits that it is insufficient to rebut the arguments presented in Appellant’s Opening Brief.

This cited portion of the Langford reference does not mention the off-line
30 edit controller 30 and hence does not (1) alter the capabilities of the off-line edit

controller 30, (2) suggest that it receives media data over a data network or (3) suggest that it has additional capabilities for rendering media data.

Appellant assumes that the Langford reference is calling the “laser video disk players” “random access memory units” because any storage location can be accessed directly as opposed to magnetic tape in which an item of data would conventionally be accessed by starting from the beginning of the tape and finding an address sequentially. This evidence does not alter the fact that the “random access memory units” produce video signals, nor does it suggest that the off-line edit controller 30 can now receive media data over a data network and render such media data.

The last paragraph of the Langford reference states:

Various other modifications in the structure and method of operation of this invention will be apparent to those skilled in the art without departing from the scope and spirit of this invention. Although the invention has been described in connection with specific preferred embodiments, it should be understood that the invention as claimed should not be unduly limited to such specific embodiments.

Langford reference at col. 16, lines 30-37.

Thus, the evidence in the Langford reference at col. 16, lines 24-29 is simply to broaden the types of storage useable in the “random access memory units”. For example, the “laser video disk players” may be expected to include “laser video disk drives”; thus, another type of player for transmitting video signals may include “magnetic disk drives”. This evidence does not suggest that these units can transmit media data to the off-line edit controller 30 via a data network or rendering of such media data by the off-line edit controller. The Examiner’s Answer is in error because it ignores that these units are “players”, it seeks to shift the “player” functions to the off-line edit controller and it aims to create a data network for transmission of media data where none exists. For at

least this reason, Appellant submits that the arguments in the Examiner's Answer are unsupported by objective evidence of record.

5 The remainder of the Examiner's Answer relies on the faulty interpretation of the same evidence. For example, in the "third issue", which starts on page 5 of the Examiner's Answer, the Office refers to a definition for the term "rendering" ("to convert (graphics) from a file into visual form, as on a video display") and cites the aforementioned "magnetic disk drives". The Office then asserts that "the act of communicating video data stored on a magnetic disk drive (50) for display on a computer (30) monitor (35) in a window (140-10 145) of a graphical user interface clearly reads on the claimed rendering". Appellant disagrees. Again, the Langford reference teaches that the "random access memory units" provide video signals to the off-line edit controller (30). It does not teach transmission of media data over a data network that is then rendered by, e.g., a client computer.

15 The "fourth argument" addressed in the Examiner's Answer likewise hinges on the aforementioned "magnetic disk drives" and the capabilities of the off-line edit controller 30 (Examiner's Answer at page 6). The Office equates the off-line edit controller 30 with a client and states that "the communication network (56) of DuLac would simply be the transmission line between the edit 20 controller and remote disk drive of Langford". This conclusion fails to consider that the Langford reference teaches that the so-called "remote disk drive" is substitute for the storage component of the "laser video disk player", i.e., a storage component of another "random access memory unit", where the "unit" is a player transmits a video signal to an off-line edit controller.

25 The "fifth argument" addressed in the Examiner's Answer also relies on the aforementioned "magnetic disk drives" (Examiner's Answer at page 7), which are only storage components of the "random access memory units". The Office states: "the Examiner has clearly indicated how Langford teaches transmitting digitized video data from a disk to a remote editing computer". 30 Appellant disagrees completely. The evidence clearly indicates that the "disk

drives” are storage components of the “random access memory units”, i.e., players, that can substitute for the laser video disk storage of the “laser video disk players”. Again, there is no evidence in the Langford reference to suggest that the “magnetic disk drives” transmit digitized video data to the off-line edit controller. The Langford references (col. 16, lines 28-29) states “[f]or example, the takes may be digitized and stored in magnetic disk drives”. It does not suggest that these drives are somehow connected to the off-line edit controller to send media data over a data network. Appellant submits that the “magnetic disk drives” function as a storage as would a “laser video disk drive”, which is a component of a “laser video disk player”.

The Office also cites USPN 5,852,435, which Appellant does not admit is prior art for the purposes set forth in the Examiner’s Answer. Appellant notes that USPN 5,852,435 has a filing date of April 12, 1996 and an issue date of December 22, 1998 and that the priority date of the instant application is October 18, 1996. Even if this reference is prior art, Appellant disagrees with the Office’s argument as to reasonable expectation of success. In particular, Appellant’s argument as to reasonable expectation of success did not hinge on the state of the art but rather the teachings of the Langford and DuLac references. USPN 5,852,435 does not suggest that the off-line edit controller is something other than that described and it does not suggest that the “random access memory units” perform any differently than the “laser video disk players”.

The “sixth argument” addressed in the Examiner’s Answer (page 8) relies on the “magnetic disk drives”, which may be a storage component of the “random access units”. Again, the Langford references does not disclose, teach or suggest that the “magnetic disk drives” stand alone; instead, they serve as storage components of the “random access memory units” that perform the same functions as the “laser video disk players”, i.e., they play video and transmit a video signal.

The “seventh argument” addressed in the Examiner’s Answer (pages 8-9) is lacking in sufficiency and characterization of evidence in the Langford reference. Again, the Langford reference relies on a system having a plurality of video players to send video signals to an off-line edit controller. There is no suggestion in the Langford reference that would motivate one of ordinary skill in the art to apply the teachings of the DuLac reference to such a system and arrive at the claimed subject matter.

The “eighth argument” addressed in the Examiner’s Answer (page 9) states that “both [the Langford and DuLac references] pertain to transmission and reception of video data from a remote digital video source to a workstation”. Appellant disagrees. As stated above, the Langford references teaches use of video players that send video signals to an off-line edit controller. While these video players may rely on tapes, laser video disks or magnetic disks for storage there is no evidence that they send media data via a data network. Instead, they play video from storage and transmit video signals. Further, there is no evidence that the off-line edit controller receives media data via a data network and renders such media data.

Appellant reiterates the Office erred in rejecting the claims as obvious over the Langford reference in view of the DuLac reference because the Office’s obviousness rejections are not supported by objective evidence of record (see, e.g., In re Lee, 277 F.3d 1338, 61 USPQ.2d 1430, 1433, 1434 (Fed. Cir. 2002)).

For at least the aforementioned reasons, Appellant submits that the Langford reference and the DuLac reference do not teach or suggest the subject matter of the claims; therefore, Applicant submits that these claims are patentable over the Langford and DuLac references.

It is respectfully submitted that claims 1-19, as set forth in Groups I and II, should therefore be allowed. The Office has not made a prima facie case of obviousness for any of these Groups. Reversal of the Office’s rejections of claims 1-19 is respectfully requested.

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Dated: 3/14/05

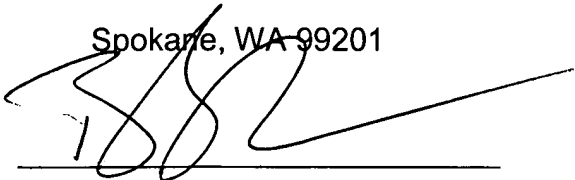
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Respectfully Submitted,

Lee & Hayes, PLLC

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A handwritten signature in black ink, appearing to read 'BPangre', is written over a horizontal line.

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